GOVERNMENT OF INDIA
ATOMIC ENERGY
LOK SABHA

UNSTARRED QUESTION NO:4089
ANSWERED ON:23.12.2015
Rules under Nuclear Damage Act
K. Shri Parasuraman

Will the Minister of ATOMIC ENERGY be pleased to state:

(a)whether the Government has framed and notified the rules under the Nuclear Damage Act, 2010;

(b)if so, the details thereof and if not, the reasons therefor;

(c)whether in case of nuclear mishap, the operator has the right of recourse against the equipment supplier for a fixed product liability period and not after the period is over; and

(d)if so, the details thereof and if not, the reasons as to why the supplier has no liability to pay compensation for nuclear damage in the first instance to the victims of a nuclear accident?

Answer

THE MINISTER OF STATE FOR PERSONNEL, PUBLIC GRIEVANCES & PENSIONS AND PRIME MINISTER'S OFFICE (DR. JITENDRA SINGH):

(a)&(b)The Central Government in exercise of powers conferred by Section 48 of the Civil Liability for Nuclear Damage Act, 2010 has notified the Civil Liability for Nuclear Damage Rules, 2011 in the Gazette of India on 11 November 2011, which had been laid before each House of Parliament. The Government has also finalized the Nuclear Liability Fund Rules for the purpose of meeting part of its liability under sub-section 2 of Section 7 of the Act.

(c)The liability of the supplier of nuclear equipment or material or services will be as per section 17 of the Civil Liability for Nuclear Damage Act, 2010 read with Rule 24 of the Civil Liability for Nuclear Damage Rules, 2011. The operator''s right of recourse against the supplier will be as per the contract entered between operator and supplier. Rule 24 stipulates the provision for such right of recourse to be for the duration of initial license issued under the Atomic Energy (Radiation Protection) Rules, 2004 or the product liability period, whichever is longer.

(d)Section 4 of the Civil Liability for Nuclear Damage Act, 2010 channels the liability for nuclear damage to the operator of the nuclear installation. The operator of the nuclear installation after paying the compensation for nuclear damage, shall have a right of recourse against the supplier in accordance with Section 17 of the said Act. The supplier has no liability to pay compensation for nuclear damage in the first instance to the victims of a nuclear incident.